

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE INVESTIGATION OF

ROBERT E. BARTOS, M.D.,

Licensee

MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

TO: Robert E. Bartos, M.D.
Waukesha General and Vascular Surgery
1111 Delafield Street, Suite 217
Waukesha, WI 53108

Arthur Thexton
Attorney at Law
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Medical Examining Board on April 19, 1994. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Dr. Bartos as a physician, and to attempt to reach a fair and consensual resolution of the matter.

The committee consisted of W.R. Schwartz, M.D., and Robert A. Starr, M.D. Dr. Bartos appeared in person and without legal counsel. Others present included Wayne Austin, the board's legal counsel, and Arthur Thexton, attorney for the Department of Regulation & Licensing, Division of Enforcement.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Dr. Bartos' consideration, a copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Dr. Bartos, Mr. Thexton, and Clark O. Olsen, M.D., board Secretary.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order:

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ORDER

NOW, THEREFORE, IT IS ORDERED that based on the findings and conclusions in this case, as set forth in the Stipulation of the parties hereto, no discipline shall be imposed.

Dated this 22 June day of 94, 1994.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by 
Clark O. Olsen, M.D.
Secretary

WRA.051743

STATE OF WISCONSIN
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STIPULATION

Robert E. Bartos, M.D. (Dr. Bartos), and the Medical Examining Board (board), having reached agreement on disposition of the informal complaint identified as 92 MED 293, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Bartos as a part of the board's order.
2. This Stipulation and the board's order shall be placed in Dr. Bartos' permanent file, and may be used if there are further complaints against him.
3. Dr. Bartos is licensed to practice medicine and surgery in Wisconsin by license #13139, issued on September 4, 1958, and he practices at Waukesha General and Vascular Surgery, 1111 Delafield Street, Suite 217, Waukesha, WI 53108.
4. Patient A was admitted to Waukesha Memorial Hospital on July 26, 1990 with abdominal pain of undetermined etiology, which was subsequently diagnosed as perforated diverticulitis and small bowel obstruction.
5. On July 29, 1990, Patient A underwent an exploratory laparotomy, resection of the sigmoid colon with Hartman's procedure with end left lower quadrant colostomy. Dr. Bartos performed the surgery assisted by Dr. Richard G. Frantz. During the procedure a colostomy was inadvertently performed on the distal rather than the proximal end of the bowel, requiring a second surgery on August 6, 1990.
6. Dr. Bartos' surgical procedure in similar situations has been modified to eliminate the possibility of a reoccurrence of the situation recounted herein.

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7. While the parties agree that negligence occurred in this case, it is also agreed that no discipline should be imposed. Dr. Bartos is encouraged to continue to seek continuing education in bowel surgery.

Dated this 11 day of may, 1994.



Robert E. Bartos, M.D.

Dated this _____ day of _____, 1994.

Arthur Thexton
Attorney, Division of Enforcement

Dated this 22 day of June, 1994.

State of Wisconsin
Medical Examining Board

by 
Clark O. Olsen, M.D.
Secretary